

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WILLIE DAVIS, JR., et al.,	*	
	*	
Plaintiffs,	*	
	*	
v.	*	Civil No 04-414-SLR
	*	
MOUNTAIRE FARMS, INC., et al.,	*	
	*	
Defendants.	*	
	*	
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UNOPPOSED MOTION TO CHANGE TRIAL DATE

Defendants respectfully move to change the trial date in this case from the week of August 11, 2008, to the week of August 4, 2008. The case was scheduled for trial during a telephone conference on March 18, 2008, and confirmed by Order entered that day. D.I. 91. At that time, one of Defendants' counsel, Eric Hemmendinger, was unaware that his wife had scheduled and prepaid a family vacation for the week of August 11, 2008.¹ Mr. Hemmendinger has worked extensively with Mountaire Farms and has participated in preparation of this case. He has over thirty years experience in the defense of labor litigation, with an emphasis on Fair Labor Standards Act cases.

Counsel for Defendants has reviewed this request with counsel for Plaintiffs who has authorized the undersigned to state that Plaintiffs' counsel does not oppose this motion provided the trial is rescheduled in August. The only mutually available date is the week of August 4, 2008. Therefore, with apologies to the Court for any

¹ Mr. Hemmendinger has tried to reschedule the vacation, however, it turned out to be impossible due to his daughters' prior commitments.

inconvenience caused, Defendants respectfully request a change of trial date as indicated in the attached form of order.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew F. Boyer', written over a horizontal line.

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